



House of Representatives

General Assembly

File No. 433

February Session, 2006

Substitute House Bill No. 5649

House of Representatives, April 6, 2006

The Committee on Government Administration and Elections reported through REP. CARUSO of the 126th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING STATE EMPLOYEE DONATION OF VACATION, SICK AND PERSONAL LEAVE AND CERTAIN EMPLOYMENT ACCOMMODATIONS FOR MEMBERS OF THE GENERAL ASSEMBLY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2006*) (a) Any state employee,
- 2 regardless of such employee's job classification or membership in any
- 3 collective bargaining agreement, who has accrued vacation, sick or
- 4 personal leave under section 5-247 or 5-250 of the general statutes may
- 5 donate all or a portion of any such leave to any other state employee
- 6 who has (1) demonstrated to the satisfaction of the Commissioner of
- 7 Administrative Services a need for a leave of absence from work due to
- 8 illness, and (2) has insufficient accrued paid leave of his or her own for
- 9 the length of time anticipated for such leave of absence due to illness.
- 10 Any unused donated leave shall be reccredited to the donating
- 11 employee no later than thirty days after the receiving employee
- 12 returns to work or terminates from state service.

13 (b) The Commissioner of Administrative Services shall adopt
14 regulations, in accordance with the provisions of chapter 54 of the
15 general statutes, to implement the provisions of this section.

16 (c) Nothing in this section shall diminish the rights of any employee
17 under any collective bargaining agreement.

18 Sec. 2. Subsection (a) of section 2-3a of the general statutes is
19 repealed and the following is substituted in lieu thereof (*Effective*
20 *October 1, 2006*):

21 (a) No employer of twenty-five or more persons shall discriminate
22 against, discipline or discharge any employee because such employee
23 (1) is a candidate for the office of representative or senator in the
24 General Assembly, (2) holds such office, (3) is a member-elect to such
25 office, or (4) loses time from work in order to perform duties as such
26 representative, senator or member-elect, provided the failure of such
27 employer to pay wages or salaries for any such time lost shall not be
28 considered a violation of this section. Such employee shall solely
29 determine the activities which constitute duties as such representative,
30 senator or member-elect, as applicable, as provided in this section. No
31 employee under this section shall lose any seniority status which may
32 have accrued to him. [and, where] Where the function of such
33 employee is performed in work shifts, such employee shall be given a
34 choice of shifts, provided such choice of shifts shall be given at a time
35 that reasonably allows adjustment of the schedules of the employee
36 and employer to accommodate both the duties of such employee as a
37 representative, senator or member-elect and the proper functioning of
38 the employer's operations, taking into account the timeframes within
39 which meetings and hearings of the General Assembly are scheduled.
40 During any regular legislative session, the employee shall not be
41 required to choose a shift more than two weeks in advance of the time
42 such shift is to be worked and, during any special legislative session,
43 the employee shall not be required to choose a shift more than one
44 week in advance of the time such shift is to be worked.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	New section
Sec. 2	October 1, 2006	2-3a(a)

Statement of Legislative Commissioners:

In subsection (a) of section 1, the citation to section 5-247 was added for accuracy.

LAB*Joint Favorable Subst. C/R***GAE*****GAE****Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
All	All Funds - Indeterminate	Indeterminate	Indeterminate

Note: All Funds=All Funds

Municipal Impact: None

Explanation

This bill allows any state employee to donate accrued vacation, sick or personal leave to any other state employee who has demonstrated a need for sick leave and who has insufficient accrued paid leave of their own. The fiscal impact of this provision is indeterminate.

The vacation and sick time that is donated will reduce the donating employee's vacation and sick accruals that would either be used or paid out upon separation. This donated time would increase the sick time accruals of the receiving employee. The net impact of this bill depends on the compensation rate of the employees involved in the donating and receiving of paid leave time and when such time is taken.

There may not be an equal value to the paid leave time. For example, if an employee earning \$26.34 per hour (\$55,000 annualized salary) donates 5 vacation days to another employee earning \$16.76 per hour (\$35,000 annualized salary) the state would realize a savings. Whereas if the donating employee earned less than the receiving employee, there would be a cost to the state. The fiscal impact to the state depends on the value of the paid leave time donated as compared to the value of the paid leave time used.

The bill also requires that any unused donated time be reccredited to

the donating employee after the receiving employee returns to work or terminates from state service. This provision will be complicated to administer and manage and thus will increase the workload of state agency payroll departments.

Donation of vacation and personal leave is presently allowed for most state employees. Generally, such donations are limited to those between members of the same bargaining unit. Many unions have also negotiated and arbitrated sick leave bank programs which are administered by labor management committees.

The bill also amends the law that gives certain job protections to members of the General Assembly if their employer has 25 or more employees. This provision of the bill has no fiscal impact on the state.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5649*****AN ACT CONCERNING STATE EMPLOYEE DONATION OF VACATION, SICK AND PERSONAL LEAVE AND CERTAIN EMPLOYMENT ACCOMMODATIONS FOR MEMBERS OF THE GENERAL ASSEMBLY.*****SUMMARY:**

Under this bill, any state employee, regardless of his job classification or union membership, who has accrued vacation, sick, or personal leave under the general statutes may donate all or a portion of any such leave to any other state employee who has (1) shown to the satisfaction of the administrative services commissioner a need for a leave due to illness, and (2) insufficient accrued paid leave of his or her own for the length of time anticipated for the leave.

The bill also amends the law that gives certain job protections to members of the General Assembly if their employer has 25 or more employees. By law, General Assembly members and members-elect whose job are performed in shifts, must be given a choice of shifts to accommodate their legislative schedule. The bill specifies that shift choices must be given at a time that allows both the employer and employee to adjust their respective schedules to accommodate the needs of each.

EFFECTIVE DATE: October 1, 2006

LEAVE DONATION

Under the bill, any unused donated leave is re-credited to the donating employee within 30 days after the receiving employee returns to work or terminates from state service. The bill also specifies that its provisions do not diminish any employee's rights under any union contract.

The administrative services commissioner must adopt regulations to implement the time donation provision.

GENERAL ASSEMBLY MEMBERS WORK SHIFTS

When General Assembly members work in their non-legislative jobs in shifts, the bill requires members and members-elect to be given a choice of shifts in time to allow both the employer and legislator to adjust their respective schedules to accommodate both the employer's operations and the legislator's duties. It specifies that during any regular legislative session, the legislator is not required to choose a shift more than two weeks in advance and, during any special legislative session, the legislator is not required to choose a shift more than one week in advance.

BACKGROUND

Employment Protection for Legislators

By law, employers with 25 or more employees cannot discriminate against, discipline, or discharge any employee because the employee (1) is a candidate for office as a representative or senator in the General Assembly, (2) holds office as a General Assembly member, (3) is a member-elect, or (4) loses time from work due to duties as a General Assembly member. Members have the sole discretion to determine what constitutes their duties. Employers do not have to pay members for any work time they miss due to legislative duties.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute Change of Reference

Yea 12 Nay 1 (03/14/2006)

Government Administration and Elections Committee

Joint Favorable

Yea 18 Nay 1 (03/22/2006)